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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

TRAVIS JOHN PITTS,)	
Plaintiff,)	
V.) Case No. 4:24-CV-496 SRV	W
MARTIN O'MALLEY, Acting Commissioner of Social Security Administration,)))	
Defendant.)	

MEMORANDUM AND ORDER

On October 30, 2024, Plaintiff Travis John Pitts filed an Application for Attorney's Fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. ECF No. 15. In the motion, Plaintiff requests he be awarded \$7,824.16, representing 31.6 hours of attorney work at \$247.60 per hour, along with a refund of the \$405.00 filing fee advanced. On November 5, 2024, the Commissioner filed a response indicating, "After discussions with Plaintiff's counsel, Plaintiff and Defendant have agreed to an award of EAJA fees and expenses in the amount of \$7,000," not including the \$405.00 filing fee. ECF No. 16. No reply has been filed by Plaintiff.

The Court has an independent duty to review the reasonableness of an EAJA award. *See* 28 U.S.C. § 2412(d)(2)(A) (requiring the Court to find that attorney's fees in excess of \$125.00 per hour are justified by an increase in the cost of living or a special factor such as the limited availability of qualified attorneys). Because Plaintiff has not filed a reply to the Commissioner's assertion of a lower award, the Court will direct him to file a statement as to whether he does, in fact, consent to the reduced amount and include a revised calculation of fees.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff shall file a reply on or before December 13, 2024. The reply should indicate whether Plaintiff consents to the reduced amount and include a revised calculation of fees.

So Ordered this 2nd day of December, 2024.

STEPHEN R. WELBY

UNITED STATES MAGISTRATE JUDGE